IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5031 OF 2005

Prashant G. Belwalkar ...Applicant

Versus

M/s. Datamatics Information Technology Ltd. & Anr ...Respondents

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Mr. Vijay Pradhan i/b M/s. Kiran Jain & Co. Advocate for Applicant

Ms. Nadia Basiri for Adv. Mamta Panigrahi, Adv.for Respondent No.1.

Mr. S.S. Pednekar, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 12TH AUGUST, 2005

P. C.:-

1. Heard the learned counsel for the applicant i.e. original accused, the learned advocate for the respondent No.1 i.e. original complainant and the learned A.P.P. for the State. The applicant as well as the complainant are present in person before the Court.

2. The applicant is praying for quashing of the proceedings relating to Case No. 434 of 2001 which is pending before the learned Metropolitan Magistrate, 10th Court, Andheri. The said case

pertains to C.R. No. 49 of 2001 of M.I.D.C. police Station Andheri (E). The said case is mainly for cheating.

3. The learned advocate for the respondent No.1 i.e. original complainant has stated that the matter has been amicably settled between the parties and in view of the fact that the Pay Order No.270559 dated 5.7.2005 for Rs. 10,00,000/- (Rupees Ten lakhs only) drawn on ASB Bank Ltd. is being handed over to the complainant, the complainant does not wish to pursue its complaint. Looking to the fact that the parties have amicably settled the dispute among themselves and looking to the fact that the complainant does not wish to pursue its complaint, I am of the opinion that no purpose would be achieved by continuing with the said proceedings. In this view of the matter, I am inclined to quash C.R. No. 49 of 2001 and Case No. 434 of 2001. Hence, the C.R. No.39 of 2001 and case No. 434 of 2001 and the proceedings relating thereto are quashed.

4. Application is allowed in the above terms.

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